

ORIGINAL



0000070289

BEFORE THE ARIZONA CORPORATION COMMISSION

MIKE GLEASON
Chairman
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
KRISTIN K. MAYES
Commissioner
GARY PIERCE
Commissioner

2007 APR -6 A 11: 01

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

APR -6 2007

DOCKETED BY

nr

**IN THE MATTERS OF THE WATER AND
SEWER RULEMAKING**

) **DOCKET NOS.**
)
) **RW-00000B-07-0051**
) **(Water Rulemaking)**
)
) **RSW-00000A-07-0051**
) **(Sewer Rulemaking)**
)
) **COMMENTS OF THE CITY**
) **OF SURPRISE**

The City of Surprise (the "City") submits these comments in response to Mr. Ernest Johnson's March 6, 2007 letter seeking input on proposed changes to Sections R14-2-602, R14-2-610, R14-2-402 and R14-2-411 of the Arizona Administrative Code (the "Proposed Rules"). The City is interested in the proposed changes to the existing water and sewer rules because, while the City currently provides water and sewer services to a portion of its General Planning Area, other parts of the City's General Planning Area are being served by ten different public service corporations to which these Proposed Rules would apply. The City generally supports the Proposed Rules. However, the City encourages the Commission to adopt the following, limited, revisions,

designed to facilitate communication between the Commission, the applicant, and those municipalities most likely to be affected by the outcome of the pending application.

COMMENTS

I. Applicants Should Submit a Map Labeling Any Municipality Providing Water or Sewer Services Within Five Miles of the Area Under Application

The Proposed Rules should be revised at R14-2-602(A)(2)(k)(v) and R14-2-402-(A)(2)(j)(v) to strike and add the following underlined and bolded language:

"v. The existing service territory of any public service corporation **or municipality** currently providing water or wastewater service within ~~one~~ **five** miles of the area under application, the name of any such public service corporation **or municipality** and the type of service it is providing."

Without such a revision, municipalities currently serving areas in the vicinity of the area under application could be overlooked by the Commission when considering a pending application.¹

II. Applicants Should Submit a Map Labeling Any Municipality Within Five Miles of the Area Under Application

The Proposed Rules should be revised at R14-2-602(A)(2)(k)(iv) and R14-2-402(A)(2)(j)(iv) to strike and add the following underlined and bolded language:

¹ Given that some municipalities, including the City of Surprise, provide water and/or sewer services to areas not within the municipalities' corporate limits, the Proposed Rules' requirement that applicants identify any corporate limits that cross or are within one mile of the area under application is insufficient to ensure that the Commission will be adequately apprised of municipalities serving in the vicinity of the area under application. (See Proposed Rules at R14-2-602(A)(2)(k)(iv) and R14-2-402(A)(2)(j)(iv).)

"iv. The corporate limits of any city or town that cross or are within ~~one~~ five miles of the area under application."

Given the recent, rapid pace of growth and annexation in communities throughout Arizona, the City believes that the Commission should require applicants to identify municipalities located within five miles of the area under application.

III. Applicants Should Be Required to Provide a Notice of Application to Any Municipality Within Five Miles of the Area Under Application

The Proposed Rules should be revised at R14-2-602(A)(2)(l) and R14-2-402(A)(2)(k) to add the underlined and bolded language:

"A copy of the applicant's notice of the application to: (i) all the landowners in the area under application and (ii) the City Attorney of any cities or towns that cross or are within five miles of the area under application."

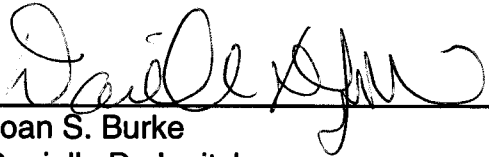
Requiring an applicant to send a notice of the application to any municipality located in the vicinity of the area under application ensures that interested municipalities are promptly informed of the application and, therefore, able to appropriately advise the applicant and the Commission of any relevant information that the municipalities may have concerning the application.

SUMMARY

While the City generally supports the Proposed Rules, it encourages the Commission to revise the Proposed Rules as described herein because these (relatively minor) changes improve the Commission's ability to obtain relevant information from those municipalities which are most likely to be affected by the outcome of the pending application.

Dated this 6th day of April, 2007.

OSBORN MALEDON, P.A.

By  _____

Joan S. Burke

Danielle D. Janitch

2929 North Central Avenue, Suite 2100

Phoenix, Arizona 85012-2793

(602) 640-9000

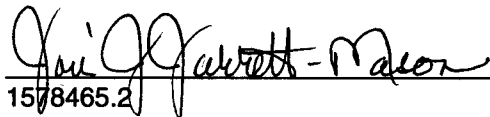
jburke@omlaw.com

djanitch@omlaw.com

Attorneys for the City of Surprise

Original and thirteen (13) copies of
the foregoing were filed this 6th day of
April, 2007, with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

 _____
1578465.2